

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District
FILE NUMBER: MVP-2007-260-RMG
PROJECT MANAGER: Rebecca Gruber

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: May 17, 2007
At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Ozaukee

Center coordinates of site by latitude & longitude: 43.3272596637, 87.9672801161

Approximate size of site/property (including uplands) in acres: 300 acres

Name of waterway or watershed: Milwaukee

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		1.95 ac.							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Two wetland delineations and an addendum report were received by the Corps from Cedarburg Science for concurrence and jurisdictional determination. After reviewing data sheets, soil surveys, wetland inventory maps, Aerial Photographs, and SEWRPC maps the Corps has found wetlands 1 and 5 to be isolated. These wetlands have no surface water resource that is adjacent or tributary to any water of the US. No interstate commerce nexus was found. For this reason the Corps has no jurisdiction over wetland 1 and 5.

Wetlands 1,2,3 and 4 are all waters of the US. They are directly associated with unnamed tributaries to the Milwaukee River, a navigable water of the US. The Corps has regulatory jurisdiction over these waters.